

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DIANNE LEIGHTON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil No. 10-1701 (PJS/JJG)

**ORDER ON REPORT AND
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 9) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. The decision of the ALJ shall be reversed.
 - b. Pursuant to sentence four of 42 U.S.C. § 405(g), the matter shall be remanded to the Social Security Administration for further proceedings consistent with this Report and Recommendation.
2. Defendant's Motion for Summary Judgment (Doc. No. 15) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 21, 2011

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge